

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District: <u>Middle District of Georgia</u>
Name (under which you were convicted): <u>SHAKHEEM ANTONIO BROXTON</u>		Docket or Case No.: <u>SPCR19-00774-33</u>
Place of Confinement: <u>JOHNSON STATE PRISON</u>		Prisoner No.: <u>1001427904</u>
Petitioner (include the name under which you were convicted) <u>Shakheem Antonio Broxton</u>		Respondent (authorized person having custody of petitioner) <u>Georgia Department of Corrections</u> <u>Johnson State Prison</u>
The Attorney General of the State of <u>Georgia</u>		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Chatham County, Georgia
Eastern Judicial Circuit of Georgia
P.O. Box 10227 (31412)
133 Montgomery Street, Suite 304
Savannah, Georgia 31404

- (b) Criminal docket or case number (if you know): SPCR19-00774-33

2. (a) Date of the judgment of conviction (if you know): August 9th, 2021 (August 9th, 2021)
 (b) Date of sentencing: August 9th, 2021 (August 9th, 2021)
3. Length of sentence: The Defendant is sentenced for a total of 5 years with the 3 years to be served in confinement 2 years probated credit for time 1/8/19
4. In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No
5. Identify all crimes of which you were convicted and sentenced in this case: Obstruction of an officer and possession of Firearm by Convicted Felon

6. (a) What was your plea? (Check one)

☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☒ (2) Guilty ☐ (4) Insanity plea

AO 241
(Rev. 06/13)

Page 3

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? *N/A*

(c) If you went to trial, what kind of trial did you have? (Check one) *N/A*

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing? *N/A*

☐ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☐ Yes ☒ No

9. If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

(g) Did you seek further review by a higher state court? *N/A* ☐ Yes ☒ No

If yes, answer the following:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

(4) Date of result (if you know):

AO 241
(Rev. 06/13)

Page 4

(5) Citation to the case (if you know):

(6) Grounds raised:

(h) Did you file a petition for certiorari in the United States Supreme Court? *N/A* ☐ Yes ☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? *N/A*

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second petition, application, or motion, give the same information: *N/A*

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? *N/A*

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(c) If you filed any third petition, application, or motion, give the same information: *N/A*

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? **N/A**

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): **Supporting facts for the Double Jeopardy - 1st claim could be. Reviewed on the attached (Document 1) case summary (case no. SP019-00774-23). On page 16 line 4 Judge Alisha Caldwell Colbert said "I'm not certain what his revocation -- I don't know what that was. That case isn't on my docket. I'm not -- to continue on page 16 line 1 my hearing was [Att]y S. Waston responded to the court saying "NO, the reason -- the reason Mr. Broxton is in custody is on a probation revocation", but on the case summary under "EVENTS" of the court there's event showing a revocation, telling you that I was revoked illegally. MS. Waston (Att'y) said "he was previously revoked as because of this case (SP019-00774-23 Mr. Broxton (I) this sentence will run."**

(b) If you did not exhaust your state remedies on Ground One, explain why:

Due to the fact I, Shaleem Antonio Broxton, was ignorant of the law and still kinda ignorant. I didn't know what was the next steps to fixing a problem like this up above. I figured out I was going through Double Jeopardy when on Jan 2nd, 2022 came and I did not get release. When you review (Document 1) Georgia Department of Corrections Computation Sheet Docket # SP019-00774-23 you see a probation start date: 01/03/2022. How can I be a probationer and an inmate at the same time? as you see Docket # CR19-03 says inmate.

(c) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No
- (2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?
☐ Yes ☒ No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No
- (4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No
- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No
- (6) If your answer to Question (d)(4) is "Yes," state:
 Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have

used to exhaust your state remedies on Ground One: Due to the best of my knowledge of the law I wrote the clerk of court Tammie Mosley (document 5) which is attached notifying her that I was going through false imprisonment before I got to the rest of the problem and learnt that I was actually illegally Revoked

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): Supporting facts to the false imprisonment tort claim is the warden's / Superintendent's grievance response to grievance number 23524. AS you take a closer look at the warden's / Superintendent's grievance response says Docket # (CK14104-53) Sentence: 5 years serve 3 years Sentence Date: 08/17/2021 Maximum Release Date: 10/26/2024. AS you pay close attention to (document 9) CDC Computation Sheet Docket # SPK14-00774-53 is the case no I was sentenced to 5 years serve 3 years on 08/17/2021 Release Date Jan 2, 2022 can you see the mistake that case no. SPK14-00774-53 was case I was sentenced to 5 years serve 3 on 08/17/2021, but in the warden's grievance response that case no. CK14104-53 was the case no. CK Docket #.

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes

☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No
- (4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No
- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No
- (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :

have used to exhaust your state remedies on Ground Two First, I wrote Georgia Department of Corrections offender Administration (Document 3) notifying that they have the wrong Maximilian Release Date. Second, I appealed the grievance J 335601 and the response the warden's responded to the central office, office of professional standards (Document 6) that attached to the petition under 28 U.S.C. 2254 for a writ of Habeas Corpus. The response central office was about Wrightville city water

GROUND THREE:

See Attached
P. 2
around 2
(e) →

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

AO 241
(Rev. 06/13)

Page 12

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not

presenting them:

I did not present Ground 1 to the highest state court because after I filed the lawsuit (Civil Action No. 5322-cr-00991-TES-CHW) I realized that I was going through Double Jeopardy. After digging to the root of the problem I figured out my probation revocation was illegal. When I figured that out I figured out my right to be heard did not serve me fully.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which

ground or grounds have not been presented, and state your reasons for not presenting them:

The first ground I presented in this petition was not introduced in the 1985 12 U.S.C. I filed against Georgia Department of Corrections due to the fact I realized after going through the 1983 12 U.S.C. that I was going through Double Jeopardy and went through mis-legal practice. I thought it was false imprisonment due to the fact I notified Georgia Department of Corrections that I have two release dates - see attached 13(a) -

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction

that you challenge in this petition?

☒ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

AO 241
(Rev. 06/13)

Page 14

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: *NA*

(b) At arraignment and plea:

Andreette Waston [Office of THE Circuit Public Defender
Eastern Judicial Circuit of Georgia
222 W. Oglethorpe Ave, Ste. 130
Savannah, GA 31401]

(c) At trial:

(d) At sentencing:

Andreette Waston [Office of THE Circuit Public Defender
Eastern Judicial Circuit of Georgia
222 W. Oglethorpe Ave, Ste. 130
Savannah, GA 31401]

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

*Toddman County
Reidsville, Georgia 30453*

(b) Give the date the other sentence was imposed: *8/21/2022*

(c) Give the length of the other sentence: *5 years to serve starting from 10/01/2020*

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain

why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition. *The judgment of my conviction became final over 16 months ago on August 9th, 2021. Reason the petition is over the one year statute of limitations, because I thought I was going home on Jan 2nd, 2022. I filed lawsuit *Shakeem Antonio Braxton v. Commissioner Timothy C. Ward* Civil Action No. 5:22-cv-00191-TES-CHW for false imprisonment, because on CDC (Georgia Department of Corrections) shows two maximum release dates. That when I realized sentencing was entirely wrong. So I dug deeper when the lawsuit (Document 10) was dismissed on 8/08/22, and my plaintiff's objection was adopted (Document 10). My next step was me writing the clerk of court for the AUSA *Chadwick Colbert* saying she did not know I was even revoked. That case isn't on docket. That when I realized that my revocation was illegal. I was sent to prison a month after the false revocation.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

AO 241
(Rev. 06/13)

Page 16

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: For Double Jeopardy Tort claim I pray the Honorable Judge Grant an Immediate Release From Prison.
For the [REDACTED] mistrial Practice and Petition for a Relief
of fifteen thousand dollars. For the False Imprisonment Tort claim
I pray the Honorable Judge Grant a Relief of sixteen hundred dollars
and thirty-three cents ranging
from Jan 2, 2022 to 8/24/22

or any other relief to which petitioner may be entitled.

For the Inflicted Indirect Emotional Disorder Tort claim I pray the
Honorable Judge Grants the Relief of thirty-six thousand dollars. I pray the
Honorable Judge Grants the Relief of ninety-nine thousand, nine hundred
and ninety-nine cents and ninety nine cents for the Pain and Suffering Tort
claims. \$1,699.97

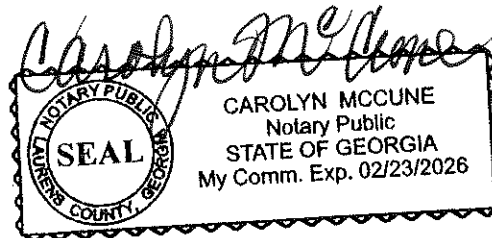
- PRO SE -

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 1/10/2023 (month, date, year).

Executed (signed) on

1/10/2023 (date).



Shanean Broxton

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.